

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 23 2008

In re Application of:

Susanne MATHEUS et al.

Examiner: KAUFMAN, CLAIRE M

Serial No.: 10/588,458

Group Art Unit: 1646

Filed: AUGUST 4, 2006

Confirmation Number: 5757

Title: **HIGHLY CONCENTRATED, LIQUID FORMULATIONS OF ANTI-EGFR ANTIBODIES****RESPONSE TO RESTRICTION REQUIREMENT**MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to this Restriction Requirement mailed May 21, 2008, Applicants hereby elect, with traverse, Group I (claims 1-17), drawn to a process for the preparation of a highly concentrated, liquid formulation comprising at least one anti-EGFR antibody and/or one of its variants and/or fragments and the formulation itself.

The requirement for restriction is respectfully traversed insofar as the Office Action has not demonstrated that an undue searching burden would be required to examine all groups and certainly not to examine at least more than one of the groups (for example, Groups I-II, which are *generically* directed to the formulation of the present invention and method(s) for the production thereof and/or use thereof). "If search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) See, M.P.E.P. §803.

Withdrawal of the restriction requirement, in its entirety, is earnestly solicited.

Should the Restriction Requirement still be maintained, Applicants will seek reentry of any withdrawn claims once allowable subject matter has been determined.

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The Commissioner is hereby authorized to charge any fees associated with this response
to Deposit Account No. 13-3402.

Respectfully submitted,

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Attorney Docket No.: MERCK-3217

Date: May 23, 2008

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